

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.: 2009-0039-PWS-E TCEQ ID: RN101439867 CASE NO.: 36994**  
**RESPONDENT NAME: RAYMOND WINDHAM DBA DEER RUN WATER SYSTEM**

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 100 County Road 198, two and one-half miles southeast of Bangs, Brown County

**TYPE OF OPERATION:** Public Water Supply System

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired September 21, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Andrea Linson-Mgbeodure, Water Enforcement Section, MC 169, (512) 239-1482

**TCEQ Regional Contact:** Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-6115

**Respondent:** Mr. Raymond Windham, Owner, Deer Run Water System, 14840 Green Valley Drive, Mesquite, Texas 75180

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p> <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review         </p> <p><b>Date of Complaint Relating to this Case:</b> N/A</p> <p><b>Date of Investigation Relating to this Case:</b> November 25, 2008</p> <p><b>Date of NOE Relating to this Case:</b> December 19, 2008</p> <p><b>Background Facts:</b> The EDRP was filed May 19, 2009. Settlement was achieved and a signed Agreed Order was received on July 3, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to provide a purchase water contract in order to properly evaluate the facility's production, storage, service pump or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.45(f)(1) and 290.45(f)(5)].</li> <li>Failed to develop and maintain records of water works operation and maintenance activities for operator reference and commission review during investigations [30 TEX. ADMIN. CODE § 290.46(f)].</li> <li>Failed to develop and maintain a complete and up-to-date operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</li> <li>Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE 290.121(a)].</li> <li>Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].</li> <li>Failed to monitor the disinfection residuals at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].</li> </ol>	<p><b>Total Assessed:</b> \$2,030</p> <p><b>Total Deferred:</b> \$0</p> <p> <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset         </p> <p><b>Total Paid/Due to General Revenue:</b> \$130/\$1,900</p> <p>The Respondent paid \$130 of the administrative penalty. The remaining amount of \$1,900 shall be payable in 19 monthly payments of \$100 each.</p> <p><b>Site Compliance History Classification</b> N/A</p> <p><b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately, begin monitoring the disinfection residuals at representative locations in the distribution system at least once every seven days.</li> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Develop and begin maintaining records of water works operations and maintenance activities at the Facility; and</li> <li>Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.</li> </ol> </li> <li>Within 60 days:             <ol style="list-style-type: none"> <li>Submit written certification demonstrating compliance with Ordering Provision Nos. 2.a and 2.b.;</li> <li>Develop and begin maintaining an up-to-date and thorough plant operation manual for operator review and reference; and</li> <li>Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan.</li> </ol> </li> <li>Within 90 days, submit written certification demonstrating compliance with Ordering Provision Nos. 3.a through 3.c.</li> <li>Within 180 days, provide a purchase water contract that authorizes a maximum hourly purchase rate to meet a service pump capacity.</li> <li>Within 195 days, submit written certification demonstrating compliance with Ordering Provision No. 5.</li> </ol>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	5-Jan-2009	<b>Screening</b>	6-Jan-2009	<b>EPA Due</b>	
	<b>PCW</b>	22-Apr-2009				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Raymond Windham dba Deer Run Water System		
<b>Reg. Ent. Ref. No.</b>	RN101439867		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	36994	<b>No. of Violations</b>	6
<b>Docket No.</b>	2009-0039-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson-Mgbeodur
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,400
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	14.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$196
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<b>Notes</b>	Enhancement due to two prior Notices of Violation (NOV) with same or similar violations as those in the current enforcement action and two dissimilar NOV's.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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<b>Total EB Amounts</b>	\$555	*Capped at the Total EB \$ Amount
<b>Approx. Cost of Compliance</b>	\$2,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,596
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	27.2%	<b>Adjustment</b>	\$434
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement recommended for the recovery of avoided costs.
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<b>Final Penalty Amount</b>	\$2,030
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,030
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$2,030
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Screening Date 6-Jan-2009

Docket No. 2009-0039-PWS-E

PCW

Respondent Raymond Windham dba Deer Run Water System

Policy Revision 2 (September 2002)

Case ID No. 36994

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101439867

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 14%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement due to two prior Notices of Violation (NOV) with same or similar violations as those in the current enforcement action and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 14%

<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>																	
<b>Respondent</b> Raymond Windham dba Deer Run Water System		<i>Policy Revision 2 (September 2002)</i>																			
<b>Case ID No.</b> 36994		<i>PCW Revision October 30, 2008</i>																			
<b>Reg. Ent. Reference No.</b> RN101439867																					
<b>Media [Statute]</b> Public Water Supply																					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru																					
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">1</div>																			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.45(f)(1) and 290.45(f)(5)</div>																			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to provide a purchase water contract in order to properly evaluate the Facility's production, storage, service pump or pressure maintenance capacity. Specifically, at the time of the record review, it was documented that the Facility does not have a purchase water contract with its provider. Since the Facility purchases water under direct pressure, the production and service pump capacity could not be evaluated without a contract; therefore, the Facility is considered 100% deficient for capacity.</div>																			
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Potential	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">25%</div>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																		
Potential	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																		
<b>&gt;&gt; Programmatic Matrix</b>																					
	<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td> </tr> </table>					Falsification	Major	Moderate	Minor		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>						
	Falsification	Major	Moderate	Minor																	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																	
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">By failing to have a purchase water contract, the Facility cannot ensure that customers are provided with an adequate supply of water. As a result, customers could be exposed to a significant amount of contaminants that exceed levels protective of human health.</div>																				
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px;">\$750</div>																	
				<div style="border: 1px solid black; padding: 2px;">\$250</div>																	
<b>Violation Events</b>																					
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px;">2</div>	<div style="border: 1px solid black; padding: 2px;">42</div>	<b>Number of violation days</b>																	
mark only one with an x	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	monthly	x																			
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
<b>Violation Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$500</div>																	
Two monthly events are recommended, calculated from the date of the record review, November 25, 2008, to the screening date, January 6, 2009.																					
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b> Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>																	
		Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
Ordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>																			
N/A	x	(mark with x)																			
<b>Notes</b>	<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>																				
<b>Violation Subtotal</b>				<div style="border: 1px solid black; padding: 2px;">\$500</div>																	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																			
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$40</div>	<b>Violation Final Penalty Total</b>																		
			<div style="border: 1px solid black; padding: 2px;">\$725</div>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<div style="border: 1px solid black; padding: 2px;">\$725</div>																	

**Economic Benefit Worksheet**

Respondent: Raymond Windham dba Deer Run Water System  
 Case ID No. 36994  
 Reg. Ent. Reference No. RN101439867  
 Media: Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Apr-2008	31-Oct-2009	1.58	\$40	n/a	\$40

Notes for DELAYED costs

The delayed cost includes that amount necessary to obtain a written water purchase contract from the City of Bangs. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$40

<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>
<b>Respondent</b> Raymond Windham dba Deer Run Water System		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36994		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101439867				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">2</div>		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.46(f)</div>		
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to develop and maintain records of water works operation and maintenance activities for operator reference and Commission review during investigations.</div>		
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>

<b>&gt;&gt; Programmatic Matrix</b>				
<b>OR</b>	<b>Falsification</b>	<b>Harm</b>		
		Major	Moderate	Minor
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">10%</div>
<b>Matrix Notes</b>		<div style="border: 1px solid black; padding: 5px;">100% of the rule requirement was not met.</div>		
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px;">\$900</div>

<b>Violation Events</b>				
Number of Violation Events	<div style="border: 1px solid black; padding: 2px;">1</div>	<div style="border: 1px solid black; padding: 2px;">42</div>	Number of violation days	
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px;">\$100</div>	
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	single event	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>		
<div style="border: 1px solid black; padding: 5px; text-align: center;">One single event is recommended.</div>				

<b>Good Faith Efforts to Comply</b>		0.0% Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
Ordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
N/A	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
<b>Notes</b>		<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>		
<b>Violation Subtotal</b>				<div style="border: 1px solid black; padding: 2px;">\$100</div>

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	<div style="border: 1px solid black; padding: 2px;">\$28</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px;">\$145</div>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <div style="border: 1px solid black; padding: 2px;">\$145</div>	

**Economic Benefit Worksheet****Respondent** Raymond Windham dba Deer Run Water System**Case ID No.** 36994**Reg. Ent. Reference No.** RN101439867**Media** Public Water Supply**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$400	1-Apr-2008	31-Aug-2009	1.42	\$28	n/a	\$28
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to develop and begin maintaining a record keeping system for all operating and maintenance activities at the water system. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$400

**TOTAL**

\$28



<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>
<b>Respondent</b> Raymond Windham dba Deer Run Water System				<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36994				<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101439867				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>		<input type="text" value="3"/>		
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code § 290.42(l)"/>		
<b>Violation Description</b>		<input type="text" value="Failed to develop and maintain a complete and up-to-date operations manual for operator review and reference."/>		
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>

<b>&gt;&gt; Programmatic Matrix</b>				
<b>Matrix Notes</b>	<b>Falsification</b>			
	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>
<input type="text" value="100% of the rule requirement was not met."/>				
<b>Adjustment</b>				<input type="text" value="\$900"/>

<b>Violation Events</b>															
Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="42"/>														
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px; font-size: small;">mark only one with an x</div> <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">weekly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td><input type="text" value="x"/></td></tr> </table> </div>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
daily	<input type="text"/>														
weekly	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input type="text" value="x"/>														
<input type="text" value="One single event is recommended."/>															

<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>	<input type="text" value="\$0"/>
	<div style="display: flex; justify-content: space-around; font-size: small;"> <span>Before NOV</span> <span>NOV to EDRP/Settlement Offer</span> </div>		
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
<b>Notes</b> <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
<b>Violation Subtotal</b>			<input type="text" value="\$100"/>

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	<input type="text" value="\$19"/>	Violation Final Penalty Total	<input type="text" value="\$145"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$145"/>

## Economic Benefit Worksheet

Respondent Raymond Windham dba Deer Run Water System

Case ID No. 36994

Reg. Ent. Reference No. RN101439867

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Apr-2008	30-Sep-2009	1.50	\$19	n/a	\$19

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and begin maintaining a facility operations manual. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$19

<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>
<b>Respondent</b> Raymond Windham dba Deer Run Water System		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36994		<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101439867				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">4</div>		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.121(a)</div>		
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 2px;">Failed to develop and maintain and up-to-date chemical and microbiological monitoring plan.</div>		
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>

**>> Environmental, Property and Human Health Matrix**

	<b>Harm</b>			
	Major	Moderate	Minor	
<b>Release</b>				
<b>Actual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>
<b>Potential</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

**>> Programmatic Matrix**

	Major	Moderate	Minor	
<b>Falsification</b>				
	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">10%</div>

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

\$900

**Violation Events**

**Number of Violation Events**

1

42

**Number of violation days**

*mark only one with an x*

daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
single event	x

**Violation Base Penalty**

\$100

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0% Reduction**

	Before NOV	NOV to EDPRP/Settlement Offer
<b>Extraordinary</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
<b>Ordinary</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
<b>N/A</b>	x	(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

\$100

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <div style="border: 1px solid black; padding: 2px;">\$19</div>	<b>Violation Final Penalty Total</b> <div style="border: 1px solid black; padding: 2px;">\$145</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <div style="border: 1px solid black; padding: 2px;">\$145</div>	

**Economic Benefit Worksheet****Respondent:** Raymond Windham dba Deer Run Water System**Case ID No.:** 36994**Reg. Ent. Reference No.:** RN101439867**Media:** Public Water Supply**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Apr-2008	30-Sep-2009	1.50	\$19	n/a	\$19

**Notes for DELAYED costs**

The delayed costs includes the amount to develop and begin maintaining a chemical and microbiological monitoring plan. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance****\$250****TOTAL****\$19**

<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>
<b>Respondent</b> Raymond Windham dba Deer Run Water System				
<b>Case ID No.</b> 36994				
<b>Reg. Ent. Reference No.</b> RN101439867				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>		<b>Rule Cite(s)</b>		
5		30 Tex. Admin. Code § 290.46(l)		
<b>Violation Description</b>		Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.		
<b>Base Penalty</b>				\$1,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual				
	Potential				<b>Percent</b>
					0%

**>> Programmatic Matrix**

<b>Falsification</b>				
<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
x				
				<b>Percent</b>
				10%

<b>Matrix Notes</b>	100% of the rule requirement was not met.
---------------------	---

<b>Adjustment</b>	\$900
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<b>Violation Events</b>	
-------------------------	--

Number of Violation Events	1	42	Number of violation days
----------------------------	---	----	--------------------------

mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.
----------------------------------

<b>Good Faith Efforts to Comply</b>	0.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

<b>Violation Subtotal</b>	\$100
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$16
<b>Violation Final Penalty Total</b>	\$145
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$145	

**Economic Benefit Worksheet****Respondent** Raymond Windham dba Deer Run Water System**Case ID No.** 36994**Reg. Ent. Reference No.** RN101439867**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	1-Apr-2008	31-Oct-2009	1.58	\$16	n/a	\$16

**Notes for DELAYED costs**

The delayed costs includes the amount to adopt a plumbing ordinance or adequate service agreement. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$200

**TOTAL**

\$16

<b>Screening Date</b> 6-Jan-2009		<b>Docket No.</b> 2009-0039-PWS-E		<b>PCW</b>																	
<b>Respondent</b> Raymond Windham dba Deer Run Water System		<small>Policy Revision 2 (September 2002)</small>																			
<b>Case ID No.</b> 36994		<small>PCW Revision October 30, 2008</small>																			
<b>Reg. Ent. Reference No.</b> RN101439867																					
<b>Media [Statute]</b> Public Water Supply																					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru																					
<b>Violation Number</b>	<input type="text" value="6"/>																				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.110(c)(4)(A)"/>																				
<b>Violation Description</b>	<input type="text" value="Failed to monitor the disinfection residuals at representative locations in the distribution system at least once every seven days."/>																				
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					<b>Harm</b>			<b>Release</b>	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
		<b>Harm</b>																			
	<b>Release</b>	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>																		
<b>&gt;&gt; Programmatic Matrix</b>																					
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Falsification</b></td> </tr> <tr> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					<b>Falsification</b>			Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>						
		<b>Falsification</b>																			
	Major	Moderate	Minor																		
<input type="text"/>	<input type="text"/>	<input type="text"/>																			
<input type="text" value="Failure to monitor the disinfectant residual could result in customers of the water supply being exposed to significant amounts of undetected contaminants which would exceed levels protective of human health."/>				<b>Adjustment</b> <input type="text" value="\$750"/>																	
				<input type="text" value="\$250"/>																	
<b>Violation Events</b>																					
<b>Number of Violation Events</b>		<input type="text" value="2"/>	<input type="text" value="42"/>	<b>Number of violation days</b>																	
mark only one with an x	daily	<input type="text"/>																			
	weekly	<input type="text"/>																			
	monthly	<input type="text" value="x"/>																			
	quarterly	<input type="text"/>																			
	semiannual	<input type="text"/>																			
	annual	<input type="text"/>																			
	single event	<input type="text"/>																			
<input type="text" value="Two monthly events are recommended, calculated from the date of the record review, November 25, 2008, to the screening date, January 6, 2009."/>				<b>Violation Base Penalty</b> <input type="text" value="\$500"/>																	
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> Reduction		<input type="text" value="\$0"/>																	
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td><input type="text" value="x"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	<input type="text" value="x"/>	(mark with x)						
	Before NOV	NOV to EDRP/Settlement Offer																			
Extraordinary	<input type="text"/>	<input type="text"/>																			
Ordinary	<input type="text"/>	<input type="text"/>																			
N/A	<input type="text" value="x"/>	(mark with x)																			
<b>Notes</b>		<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																			
<b>Violation Subtotal</b>				<input type="text" value="\$500"/>																	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																			
<b>Estimated EB Amount</b>		<input type="text" value="\$434"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$725"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$725"/>																	

**Economic Benefit Worksheet****Respondent:** Raymond Windham dba Deer Run Water System**Case ID No.** 36994**Reg. Ent. Reference No.** RN101439867**Media:** Public Water Supply**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$400	1-Apr-2008	6-Jan-2009	1.68	\$34	\$400	\$434
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform weekly monitoring of the disinfectant residual in the system (\$10 per week), calculated from the date of the initial investigation to the date of screening.

Approx. Cost of Compliance

\$400

TOTAL

\$434



## Compliance History Report

Customer/Respondent/Owner-Operator: CN600747976 WINDHAM, RAYMOND E Classification: Rating:  
Regulated Entity: RN101439867 DEER RUN WATER SYSTEM Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0250042  
WATER LICENSING LICENSE 0250042  
Location: ON COUNTY ROAD 198, 21/2 MILES SOUTHEAST OF BANGS, BROWN COUNTY, TX  
TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: January 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2004 to January 05, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 02/25/2004 (263829)  
2 05/06/2004 (271440)  
3 03/15/2007 (644215)  
4 06/01/2007 (644735)  
5 05/27/2008 (671642)  
6 12/19/2008 (709320)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/24/2004 (263829)

CN600747976

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: FAILURE TO PROVIDE PURCHASE WATER MONTHLY OPERATING REPORTS.

Date: 03/15/2007 (644215) CN600747976  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)  
Description: BACT - MONITORING/REPORTING VIOLATIONS

Date: 06/01/2007 (644735) CN600747976  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)  
Description: PUBLIC NOTICE

Date: 05/28/2008 (671642) CN600747976  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(5)  
Description: Failure to have a water purchase contract available.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)  
Description: Failure to maintain a record of water works operations and maintenance activities.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to have a maintenance manual.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Description: Failure to have a chemical and bacteriological monitoring plan.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure to have a plumbing ordinance or adequate service agreement.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  
Description: Failure to monitor the disinfection level in the distribution system once every seven days.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RAYMOND WINDHAM DBA  
DEER RUN WATER SYSTEM,  
RN101439867

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2009-0039-PWS-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Raymond Windham dba Deer Run Water System ("Mr. Windham") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Windham appear before the Commission and together stipulate that:

1. Mr. Windham owns and operates a public water supply system located at 100 County Road 198 two and one-half miles southeast of Bangs, Brown County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Mr. Windham agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Windham is subject to the Commission's jurisdiction.
4. Mr. Windham received notice of the violations alleged in Section II ("Allegations") on or about December 24, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Windham of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of two thousand thirty dollars (\$2,030.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Windham paid one hundred thirty dollars (\$130.00) of the administrative penalty. The remaining amount of one thousand nine hundred dollars (\$1,900.00) of the administrative penalty shall be payable in nineteen (19) monthly payments of one hundred dollars (\$100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Windham fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. Windham's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Windham to timely and satisfactorily comply with all of the terms of this Agreed Order
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Windham agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Windham has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During a record review conducted on November 25, 2008, a TCEQ Abilene Regional Office investigator documented that Mr. Windham violated:
  - a. 30 TEX. ADMIN. CODE § 290.45(f)(1) and 290.45(f)(5) by failing to provide a purchase water contract in order to properly evaluate the facility's production, storage, service pump or pressure maintenance capacity. Specifically, at the time of the record review,

it was documented that the Facility does not have a purchase water contract with its provider. Since the Facility purchases water under direct pressure, the production and service pump capacity could not be evaluated without a contract, therefore, the facility is considered 100% deficient for capacity;

- b. 30 TEX. ADMIN. CODE § 290.46(f) by failing to develop and maintain records of water works operation and maintenance activities for operator reference and commission review during investigations;
- c. 30 TEX. ADMIN. CODE § 290.42(l) by failing to develop and maintain a complete and up-to-date operations manual for operator review and reference;
- d. 30 TEX. ADMIN. CODE § 290.121(a) by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan;
- e. 30 TEX. ADMIN. CODE § 290.46(i) by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted; and
- f. 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) by failing to monitor the disinfection residuals at representative locations in the distribution system at least once every seven days.

### III. DENIALS

Mr. Windham generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Windham pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Windham's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Raymond Windham dba Deer Run Water System, Docket No. 2009-0039-PWS-E." to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Mr. Windham shall undertake the following technical requirements:
  - a. Immediately after the effective date of this Agreed Order, begin monitoring the disinfection residuals at representative locations in the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Develop and begin maintaining records of water works operations and maintenance activities at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - c. Within 60 days after the effective date of this Agreed Order:
    - i. Submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b;
    - ii. Develop and begin maintaining an up-to-date and thorough plant operation manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
    - iii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
  - d. Within 90 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.ii and 2.c.iii.

- e. Within 180 days after the effective date of this Agreed Order, provide a purchase water contract that authorizes a maximum hourly purchase rate to meet a service pump capacity of 2.0 gallons per minute ("gpm") per connection or provide at least 1,000 gpm and be able to meet peak hourly demands, which ever is less, in accordance with 30 TEX. ADMIN CODE § 290.45.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Windham. Mr. Windham is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

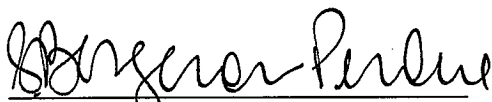
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Windham shall be made in writing to the Executive Director. Extensions are not effective until Mr. Windham receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Windham in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Mr. Windham, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Windham, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

9/2/2009

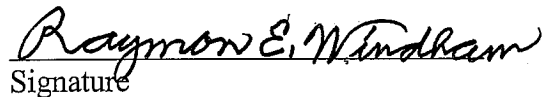
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Mr. Windham's compliance history;
- Greater scrutiny of any permit applications submitted by Mr. Windham;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Mr. Windham;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Mr. Windham; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7-3-09  
Date

Raymond Windham  
Name (Printed or typed)  
Authorized representative of  
Raymond Windham dba Deer Run Water System

Owner  
Title